IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A traffic control method for mobile data communications in a mobile communication system of a scheme using spread signals including CDMA, where two types of communication channels including a common channel and a plurality of individual channels are provided such that the common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user, ~~the traffic control method for mobile data communications characterized by~~comprising:

carrying out a communication using the common channel, between a mobile radio terminal and a radio base station;

receiving at the radio base station an indication that the mobile radio terminal has detected~~detecting~~ an increase or a decrease of data traffic ~~at the mobile radio terminal~~ during the communication;

measuring, at the radio base station, an uplink reception interference level and a downlink transmission power level, and relaying the uplink reception interference level and the downlink transmission power level, along with respective uplink and downlink thresholds, to the mobile radio terminal;

carrying out an admission judgment for a shift from the common channel to the individual channel at the radio base station ~~or the mobile radio terminal, when the increase in data traffic at the mobile radio terminal is detected~~, said admission judgment including receiving from the mobile radio terminal a determination of whether or not the uplink reception interference level and the downlink transmission power level are greater than the respective uplink and downlink thresholds; and

shifting from the communication using the common channel to the communication using the individual channel between the mobile radio terminal and the radio base station, when an admission of the shift is possible.

Claim 2 (Cancelled):

Claim 3 (Previously Presented): The traffic control method in mobile data communications as described in claim 1, characterized in that, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, the radio base station and/or the mobile radio terminal are controlled such that data transmission is not carried out for a prescribed period of time or data transmission is carried out within a prescribed frequency, with regard to the communication.

Claim 4 (Previously Presented): The traffic control method in mobile data communications as described in claim 3, characterized in that, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, and the shift from the common channel to the individual channel is to be attempted again after controlling the radio base station and/or the mobile radio terminal such that data transmission is not carried out for the prescribed period of time or data transmission is carried out within the prescribed frequency with regard to the communication, a timing for restarting an individual channel set up operation is controlled to be different from other mobile radio terminals.

Claim 5 (Original): The traffic control method in mobile data communications as described in claim 4, characterized in that the timing for restarting the individual channel set up operation is determined according to a random number.

Claims 6-15 (Cancelled).

Claim 16 (Currently Amended): A base station device in a mobile communication system of a scheme using spread signals including CDMA, where two types of communication channels including a common channel and a plurality of individual channels are provided such that the common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user, the base station device ~~characterized by~~comprising:

a communication unit configured to carry out a communication using the common channel with a mobile radio terminal; ~~and~~

an admission judgment unit configured to detect an increase or a decrease of data traffic at the mobile radio terminal during the communication, and to carry out an admission judgment for a shift from the common channel to the individual channel at the radio base station ~~or the mobile radio terminal~~, when the increase in data traffic at the mobile radio terminal is detected; and

a measuring unit, at the radio base station, configured to measure an uplink reception interference level and a downlink transmission power level, and to relay the uplink reception interference level and the downlink transmission power level, along with respective uplink and downlink thresholds, to the mobile radio terminal; wherein

the communication unit is configured to shift from the communication using the common channel to the communication using the individual channel with the mobile radio terminal, when an admission of the shift is possible.

Claim 17 (Cancelled):

Claim 18 (Previously Presented): The base station device as described in claim 16, characterized by having a data transmission control unit for controlling the base station device and/or the mobile radio terminal such that data transmission is not carried out for a prescribed period of time or data transmission is carried out within a prescribed frequency, with regard to the communication, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel.

Claim 19 (Previously Presented): The base station device as described in claim 18, characterized by having a transmission time control unit for controlling a timing for restarting an individual channel set up operation to be different from other mobile radio terminals, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, and the shift from the common channel to the individual channel is to be attempted again after controlling the base station device and/or the mobile radio terminal such that data transmission is not carried out for the prescribed period of time or data transmission is carried out within the prescribed frequency with regard to the communication.

Claim 20 (Previously Presented): The base station device as described in claim 19, characterized in that the transmission time control unit determines the timing for restarting the individual channel set up operation according to a random number.

Claim 21 (Currently Amended): A mobile station device in a mobile communication system of a scheme using spread signals including CDMA, where two types of communication channels including a common channel and a plurality of individual channels are provided such that the common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user, the mobile station device ~~characterized by~~comprising:

a communication unit configured to carry out a communication using the common channel with a radio base station; and

an admission judgment unit configured to detect an increase or a decrease of data traffic at the mobile radio terminal during the communication, and to carry out an admission judgment for a shift from the common channel to the individual channel at ~~the radio base station or~~ the mobile radio terminal, ~~when the increase in data traffic at the mobile radio terminal is detected~~ said admission unit configured to receive, from the radio base station, a measurement of an uplink reception interference level and a downlink transmission power level, along with respective uplink and downlink thresholds, said admission judgment including determining whether or not the received measured uplink reception interference level and the downlink transmission power level are greater than the respective uplink and downlink thresholds; ~~and~~ wherein

the communication unit is configured to shift from the communication using the common channel to the communication using the individual channel with the radio base station, when an admission of the shift is possible.

Claim 22 (Cancelled):

Claim 23 (Previously Presented): The mobile station device as described in claim 21, characterized by having a data transmission control unit for controlling the mobile station device and/or the radio base station such that data transmission is not carried out for a prescribed period of time or data transmission is carried out within a prescribed frequency, with regard to the communication, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel.

Claim 24 (Previously Presented): The mobile station device as described in claim 23, characterized by having a transmission time control unit for controlling a timing for restarting an individual channel set up operation to be different from other mobile radio terminals, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, and the shift from the common channel to the individual channel is to be attempted again after controlling the mobile station device and/or the radio base station such that data transmission is not carried out for the prescribed period of time or data transmission is carried out within the prescribed frequency with regard to communication.

Claim 25 (Previously Presented): The mobile station device as described in claim 24, characterized in that the transmission time control unit determines the timing for restarting the individual channel set up operation according to a random number.

Claim 26 (New): A traffic control method for mobile data communications in a mobile communication system of a scheme using spread signals including CDMA, where two types of communication channels including a common channel and a plurality of individual channels are provided such that the common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user, comprising:

carrying out a communication using the common channel, between a mobile radio terminal and a radio base station;

receiving at the radio base station an indication that the mobile radio terminal has detected an increase or a decrease of data traffic during the communication;

carrying out an admission judgment for a shift from the common channel to the individual channel at the radio base station, said admission judgment including determining whether or not the uplink reception interference level and the downlink transmission power level are greater than the respective uplink and downlink thresholds;

relaying the admission judgment to the mobile radio terminal; and

shifting from the communication using the common channel to the communication using the individual channel between the mobile radio terminal and the radio base station, when an admission of the shift is possible, wherein

said steps of carrying out an admission judgment, relaying and shifting are repeated upon receipt from the mobile radio terminal of a request to shift, said request to shift transmitted by the mobile radio terminal a predetermined time after the mobile radio terminal receives a negative admission judgment, said predetermined time being set by a timer in the mobile radio terminal.

Claim 27 (New): The traffic control method in mobile data communications as described in claim 26, characterized in that, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, the radio base station and/or the mobile radio terminal are controlled such that data transmission is not carried out for a prescribed period of time or data transmission is carried out within a prescribed frequency, with regard to the communication.

Claim 28 (New): The traffic control method in mobile data communications as described in claim 27, characterized in that, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, and the shift from the common channel to the individual channel is to be attempted again after controlling the radio base station and/or the mobile radio terminal such that data transmission is not carried out for the prescribed period of time or data transmission is carried out within the prescribed frequency with regard to the communication, a timing for restarting an individual channel set up operation is controlled to be different from other mobile radio terminals.

Claim 29 (New): The traffic control method in mobile data communications as described in claim 28, characterized in that the timing for restarting the individual channel set up operation is determined according to a random number.

Claim 30 (New): A radio base station device in a mobile communication system of a scheme using spread signals including CDMA, where two types of communication channels including a common channel and a plurality of individual channels are provided such that the

common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user, the radio base station device characterized by

a communication unit configured to carry out a communication using the common channel with a mobile radio terminal; and

an admission judgment unit configured to receive an indication that the mobile radio terminal has detected an increase or a decrease of data traffic during the communication, and to carry out an admission judgment for a shift from the common channel to the individual channel at the radio base station or the mobile radio terminal, said admission judgment including determining whether or not the uplink reception interference level and the downlink transmission power level are greater than the respective uplink and downlink thresholds, said admission judgment unit further configured to relay the admission judgment to the mobile radio terminal, wherein

the communication unit is configured to shift from the communication using the common channel to the communication using the individual channel with the mobile radio terminal, when an admission of the shift is possible, and

said admission judgment unit is further configured to re-perform said admission judgment upon receipt from the mobile radio terminal of a request to shift, said request to shift transmitted by the mobile radio terminal a predetermined time after the mobile radio terminal receives a negative admission judgment from the radio base station, said predetermined time being set by a timer in the mobile radio terminal.

Claim 31 (New): The radio base station device as described in claim 30, characterized by having a data transmission control unit for controlling the radio base station device and/or the mobile radio terminal such that data transmission is not carried out for a prescribed period of time or data transmission is carried out within a prescribed frequency,

with regard to the communication, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel.

Claim 32 (New): The radio base station device as described in claim 31, characterized by having a transmission time control unit for controlling a timing for restarting an individual channel set up operation to be different from other mobile radio terminals, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, and the shift from the common channel to the individual channel is to be attempted again after controlling the radio base station device and/or the mobile radio terminal such that data transmission is not carried out for the prescribed period of time or data transmission is carried out within the prescribed frequency with regard to the communication.

Claim 33 (New): The radio base station device as described in claim 32, characterized in that the transmission time control unit determines the timing for restarting the individual channel set up operation according to a random number.

Claim 34 (New): A mobile station device in a mobile communication system of a scheme using spread signals including CDMA, where two types of communication channels including a common channel and a plurality of individual channels are provided such that the common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user, comprising:

a communication unit configured to carry out a communication using the common channel with a radio base station; and

an admission judgment unit configured to detect an increase or a decrease of data traffic at the mobile radio terminal during the communication, and to carry out an admission judgment for a shift from the common channel to the individual channel at the radio base station or the mobile radio terminal, said admission judgment including receiving from the radio base station an indication of whether or not the uplink reception interference level and the downlink transmission power level are greater than the respective uplink and downlink thresholds, wherein

the communication unit is configured to shift from the communication using the common channel to the communication using the individual channel with the radio base station, when an admission of the shift is possible, and

said admission judgment unit is configured to transmit a request to shift a predetermined time after the mobile radio terminal receives a negative admission judgment, said predetermined time being set by a timer in the mobile radio terminal.

Claim 35 (New): The mobile station device as described in claim 34, characterized by having a data transmission control unit for controlling the mobile station device and/or the radio base station such that data transmission is not carried out for a prescribed period of time or data transmission is carried out within a prescribed frequency, with regard to the communication, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel.

Claim 36 (New): The mobile station device as described in claim 35, characterized by having a transmission time control unit for controlling a timing for restarting an individual channel set up operation to be different from other mobile radio terminals, when an admission of the shift is not possible as a result of the admission judgment for the shift from the common channel to the individual channel so that the communication is to be kept on the common channel, and the shift from the common channel to the individual channel is to be attempted again after controlling the mobile station device and/or the radio base station such that data transmission is not carried out for the prescribed period of time or data transmission is carried out within the prescribed frequency with regard to communication.

Claim 37 (New): The mobile station device as described in claim 36, characterized in that the transmission time control unit determines the timing for restarting the individual channel set up operation according to a random number.